

**DEFENDANT RESPONSE TO PLAINTIFF CFTC'S INITIAL RESPONSE TO DEFENDANT
v. MCDONNELL'S OPPOSITION TO PLAINTIFF NOTICE OF WITHDRAWAL OF JURY
DEMAND**

ATTACHMENT 3

BELOW EMAIL FROM PLAINTIFF TO DEFENDANT RECEIVED MAY 08, 2018 INDICATES 'EVIDENTIARY HEARING' NOT A BENCH TRIAL. ATTACHMENT 4 [MAY 08, 2018, DOCKET #71] IS THE WRITTEN COURT ORDER FROM JUDGE WEINSTEIN STATING;

"PLAINTIFF RESPECTFULLY REQUESTS A CONTINUANCE OF THE EVIDENTIARY HEARING CURRENTLY SCHEDULED FOR JUNE 5, 2018 TO JULY 9, 2018, OR ANY DATE THEREAFTER THAT IS CONVENIENT TO THE COURT, WITH WITNESS LISTS, DESCRIPTIONS OF PROPOSED TESTIMONY, AND EXHIBITS TO BE EXCHANGED 10 DAYS EARLIER WITH EXISTING ORDER. MR. MCDONNELL CONSENTS TO THIS REQUEST."

DEFENDANT PRIOR AND WHILE APPEARING JULY 09, 2018 HAD NO IDEA HE WAS PARTICIPATING IN A BENCH TRIAL BUT BELIEVED IT AN EVIDENTIARY HEARING. WHEN COURT REFERRED TO TRIAL DEFENDANT 100% BELIEVED IT MEANT AFTER SAID EVIDENTIARY HEARING AS EXPLAINED IN ATTACHMENT 2 OF THIS DOCKET.

Mr. McDonnell,

Please see the attached order rescheduling the hearing date.

From: ecf_bounces@nyed.uscourts.gov [mailto:ecf_bounces@nyed.uscourts.gov]
Sent: Tuesday, May 08, 2018 5:09 PM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:18-cv-00361-JBW-RLM Commodity Futures Trading Commission v. McDonnell et al Order on Motion to Continue

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U.S. District Court Eastern District of New York Notice of Electronic Filing

The following transaction was entered on 5/8/2018 at 5:09 PM EDT and filed on 5/8/2018

Case Name: Commodity Futures Trading Commission v. McDonnell et al

Case Number: [1:18-cv-00361-JBW-RLM](#)

Filer:

Document Number: [71](#)

Docket Text:

ENDORSED ORDER granting [67] Motion to Continue. Hearing is rescheduled to 7/9/2018 at 10:30 AM (in Courtroom 10B South). Ordered by Judge Jack B. Weinstein, undated. (Barrett, C)

1:18-cv-00361-JBW-RLM Notice has been electronically mailed to:

David William Oakland doakland@cftc.gov

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1:18-cv-00361-JBW-RLM Notice will not be electronically mailed to:

Patrick K. McDonnell
20 Rawson Place
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The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=5/8/2018] [FileNumber=12817592-0]
[dcae5663700eca766c7f90a13e2edd4433d93458bafcdb5a60a09a0ecb5153c59d9
a607da8687fd2cc6abaa0e196d156804530ef5ca26e993a97056bcc0db49a]]

